

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                             |   |  |
|-----------------------------|---|--|
| In re:                      | ) | Case No. 25-40976 (BCW)                |
|                             | ) |  |
| 23ANDMEHOLDING CO., et al., | ) | Chapter 11                             |
|                             | ) |  |
| Debtors.                    | ) | Jointly Administered                   |
|                             | ) |  |
|                             | ) | Hearing Date: June 18, 2025            |
|                             | ) | Hearing Time: 9:00 AM CT               |
|                             | ) | Hearing Location:                      |
|                             | ) | Thomas F. Eagleton US Courthouse       |
|                             | ) | 111 S. 10th Street                     |
|                             | ) | Courtroom 5 North                      |
|                             | ) | St. Louis, MO 63102                    |
|                             | ) |  |
|                             | ) | Related to Docket No.                  |
|                             | ) | 30, 125, 420, 693, 739, 746, 787 & 792 |

**STATE OF UTAH’S JOINDER TO THE STATE OF TENNESSEE AND  
COMMONWEALTH OF KENTUCKY’S SUPPLEMENTAL OBJECTIONS TO THE  
DEBTORS’ MOTION APPROVING SALE OF ASSETS  
(Relates to Docket Nos. 30, 125, 420, 787, and 792)**

Comes now the State of Utah, by and through the Office of the Utah Attorney General, and files its Joinder to the State of Tennessee and Commonwealth of Kentucky’s Supplemental Objections to Debtors’ Motion Approving the Sale of Assets.

1. The State of Utah’s Joinder adopts and incorporates all arguments set forth in The State of Tennessee and Commonwealth of Kentucky’s Supplemental Objections to the Debtors’ Motion Approving Sale of Assets (DE 787, 792).

2. Utah law regulates direct-to-consumer genetic testing companies. *See* Utah Code §§ 13-60-101, *et seq.* (“Utah Genetic Information Privacy Act”).

3. Utah’s Genetic Information Privacy Act requires companies like the Debtors and TTAM to obtain “separate express consent for the transfer or disclosure of the consumer’s genetic data to any person other than the company’s vendors and service providers” and for “the

use of genetic data beyond the primary purpose of the company's genetic testing product or service.” *See id.* § 13-60-104(1)(c)(i).

4. Utah law defines “Express Consent” as “a consumer's affirmative response to a clear, meaningful, and prominent notice regarding the collection, use, or disclosure of genetic data for a specific purpose.” *See id.* § 13-60-102(6).

5. The Office of the Utah Attorney General is authorized to enforce the Utah Genetic Information Privacy Act and may recover actual damages to the consumer, costs, attorneys’ fees, and civil penalties. *See id.* § 13-60-106.

6. Utah law does not provide an exception to this express consent requirement for affiliates or other such entities. The only exceptions allowed under Utah law are for transfers to a company’s vendors or service providers. *See id.* § 13-60-104(1)(c)(i)(A).

7. TTAM cannot reasonably be considered to qualify as a vendor or service provider of the Debtors and thus must comply with Utah law and obtain express consent before taking possession or control of Utahans’ genetic data.

8. Beyond the issue of transfer of the data, TTAM must be required to obtain separate express consent before using genetic data beyond the primary purpose of the company’s genetic testing product or service. *See id.* § 13-60-104(1)(c)(i)(B).

9. Utah’s objection applies to both the proposed winning bid and the backup bid. Both the asset sale of the genetic data and related information and the equity transaction result in a transfer of consumers genetic data which should require separate express consent under Utah law.

10. Utah reserves the right to supplement or amend this Objection.

WHEREFORE, Utah asks this Court to include in any order approving a sale the following:

1. Require separate express consent of each Utah consumer for any sale, transfer or change to the manner of use of their genetic data; and
2. Remove any reference to governmental entities from the definition of persons in the APA.

Respectfully submitted,

**DEREK BROWN**  
**Utah Attorney General**

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**Dated: June 17, 2025.**

**CERTIFICATE OF SERVICE**

I certify that on June 17, 2025, a copy of the foregoing was electronically filed with the United States Bankruptcy Court for the Eastern District of Missouri and was served on the parties registered to receive notice electronically through the Court's CM/ECF system.

/s/ Douglas Crapo  
Deputy Attorney General